IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16314 of 2004

Between:

M/s. Aditya Park Inn International,

(A Unit of M/s. Manjeera Hotels & Resorts Limited),

Ameerpet, Hyderabad, Rep. by its Managing Director Mr.G. Yoganand.

..... PETITIONER

AND

1. Government of A.P., Rep. by its Secretary,
Youth Advancement Tourism & Culture (T) Department,

Secretariat Buildings, Hyderabad.
2.The Director, Tourism Department,
Government of Andhra Pradesh, Secretariat Road, Hyderabad.
3.The Commissioner of Commercial Taxes,

Government of Andhra Pradesh, Hyderabad.
4.The Commercial Tax Officer,

Sanathnagar Circle, Hyderabad.
5.State Level Tourism Promotion Board,

Rep. by its Secretary, Tourism,Secretariat Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in delaying the grant of eligibility certificate even after the petitioner unit was found eligible for grant of incentives as per G.O.Ms.No.6 Youth Advancement Tourism and Culture (T) Department, dated 18-12-1998 as illegal, arbitrary and without authority of law, and direct the 2nd respondent to grant the eligibility certificate to the petitioner unit forthwith, and consequently restrain the 4th respondent from collecting the sales tax and luxury tax from the petitioner, pending grant of eligibility certificate by the 2nd respondent

Counsel for the Petitioner: MR.BHASKAR REDDY VEMIREDDY

Counsel for the Respondents: GP FOR COMMERCIAL TAXES

The Court made the following :

ORDER: (PER Sri Bilal Nazki, J)

Heard learned Counsel for the parties. The Government Pleader for Forests is not present. He was present on last occasion and sought time to file counter.

The grievance of the petitioner is that respondent No. 2 is not deciding the matter regarding his eligibility for incentives as per G.O.Ms.No.6 Youth Advancement Tourism and Culture (T) Department, dated 18-12-1998. But from the record, it appears that the second respondent has already issued a certificate on 17-3-2004, in which it was stated that the matter of extending the sales tax exemption has been placed before STPB for a decision. In these circumstances, we direct STPB/respondent No.5 to take a decision and dispose of the matter in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Writ Petition is accordingly disposed of. No costs.

(BILAL NAZKI, J)

12th October, 2004

(S.ANANDA REDDY, J)

Note:

Issue CC in one week

B/o

LUR

Copy to:

1.The Secretary, Government of A.P.,
Youth Advancement Tourism & Culture (T) Department,

Secretariat Buildings, Hyderabad.
2.The Director, Tourism Department,
Government of Andhra Pradesh, Secretariat Road, Hyderabad.
3.The Commissioner of Commercial Taxes,

Government of Andhra Pradesh, Hyderabad.
4.The Commercial Tax Officer,

Sanathnagar Circle, Hyderabad.
5.The Secretary, State Level Tourism Promotion Board,

Tourism, Secretariat Road, Hyderabad.

4.Two CCs to the G.P. for Commercial Taxes,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T)

5.Two CD copies.